

**MINUTES OF THE  
LEGISLATIVE MANAGEMENT COMMITTEE**

April 17, 2001 – 3:00 p.m. – Room 303 State Capitol

**Members Present:**

President Al Mansell, Chair  
Speaker Martin R. Stephens, Vice-chair  
Sen. Ron Allen  
Sen. Gene Davis  
Sen. Mike Dmitrich  
Sen. Peter C. Knudson  
Sen. L. Steven Poulton  
Sen. Pete Suazo  
Sen. John L. Valentine  
Rep. Patrice M. Arent  
Rep. Ralph Becker  
Rep. Jackie Biskupski  
Rep. Greg J. Curtis  
Rep. Brad King  
Rep. Kevin S. Garn  
Rep. David Ure

**Members Absent:**

All members were present

**Staff Present:**

Mr. Michael E. Christensen,  
Director  
Ms. M. Gay Taylor,  
General Counsel  
Ms. Beverlee LeCheminant  
Legislative Secretary

**Note:** A list of others present and handouts distributed are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order**

Chairman Mansell called the meeting to order at 3:20 p.m.

**2. Committee Business - Approval of the March 27, 2001 Minutes**

**MOTION:** Sen. Valentine moved to approve the minutes of the March 27, 2001 meeting. The motion passed unanimously, with Sen. Dmitrich, Sen. Knudson, Sen. Poulton, Rep. Becker, and Rep. Curtis absent for the vote.

**3. Update on Census Lawsuit**

Mr. Ray Hensie, Chief Deputy, Civil Division from the Office of the Attorney General, distributed and reviewed with the committee the state's census lawsuit. He told the committee that the state presented its case before the three judge panel and that he expected the case to be decided very soon. Mr. Hensie came back later in the meeting to inform the committee that the court just announced that it had decided against the state on the issue of including LDS missionaries living overseas during the 2000 census or exclude the federal overseas population. The panel also denied the state's request to amend its complaint to add the new issue challenging the use of statistical sampling or imputation. Mr. Hensie stated that the state must now decide whether to appeal these

decisions to the U.S. Supreme Court. He felt it likely that the state will and should appeal the three judge panel decisions.

#### **4. Review of State Settlement Agreement**

Ms. Taylor noted that staff from the Office of Legislative Research and General Counsel and the Office of the Legislative Fiscal Analyst met with Raylene Ireland, Director, Department of Administrative Services and others, regarding the state settlement agreements surrounding the construction of the Grantsville Prison. Ms. Taylor stated that the claim against the state is approximately \$1.5 million, and therefore, would require approval from the whole legislature and from the governor. It is an issue that could be put on the special session agenda.

#### **5. 2002 Legislative Session Alternatives**

Mr. Michael E. Christensen reported on the 2002 Legislative Session considerations and alternatives. He presented alternatives to make the 2002 session of the Legislature more productive if the legislature adjourns during the Olympics. The first alternative presented was a two-week special session to be held just prior to the opening of the General Session which starts January 21, 2002. The second alternative he presented suggested using the same weeks two weeks prior to the General Session for interim committee and appropriation subcommittee meetings. He showed the committee two options of how the two weeks prior to the General Session could be used for interim committees and appropriations subcommittee meetings. Alternative 1 would consist of interim committee meetings being held in the morning and appropriation subcommittee meetings being held in the afternoon on Tuesday, Wednesday, and Thursday, January 8, 9, 10, 15, 16, and 17. Alternative 2 would consist of morning and afternoon appropriation subcommittee meetings being held on Tuesday, Wednesday, and Thursday, January 8, 9, and 10, and then interim committee meetings on Tuesday, Wednesday, and Thursday, January 15, 16, and 17. Mr. Christensen stated that the reason for not holding meetings on Monday and Friday is for legislators to take care of business and personal affairs. Option 2 would also provide more time to produce bills and fiscal notes prior to these meetings being held.

Speaker Stephens noted the major reasons the legislature is not meeting during the 2002 Olympics is there are no rooms available for 12 house members and nine senate members who need accommodations. Nor are there rooms for others coming to the capitol from out of town to testify. The second major reason the legislature is not going to be in session during the Olympics is at the request of the security people who suggested an added danger during this time.

**MOTION:** Rep. Garn moved to accept Alternative 2 for the 2002 General Session.

**SUBSTITUTE MOTION:** Rep. Arent moved to accept Alternative 2 with the option of also holding meetings on Mondays and Fridays if they are needed. Speaker Stephens noted that Legislative Management Committee could decide in December how many days of the week to hold meetings prior to the session. The motion passed unanimously.

**MOTION:** Rep. Ure moved that with regard to budget preparations, the Executive Appropriations Committee meet on December 12<sup>th</sup> instead of December 19<sup>th</sup>, which is one week earlier than normal in December. Mr. John Massey said he is working with the Governor's Office to have the Governor's budget available one week earlier ahead of Executive Appropriations Committee. The motion passed unanimously.

Ms. Taylor noted that the Office of Legislative Research and General Counsel will try to number the bills earlier so they will have fiscal notes when they are brought before the interim and standing committees.

## **6. Voting Records Report**

Mr. Mark Allred distributed and reviewed with the committee how voting records are presently available to the public in hard copy and online.

Rep. Arent suggested making the voting records more available to the public.

Sen. Allen suggested publishing raw data such as what bills are substitutes or have been amended. He said the public misunderstands this and it must be made clear to them.

Rep. Arent indicated that this information is available on the WEB through the House Journal, but suggested making it more easily accessible to the public.

Rep. Ure stated that there should be safeguards in place before information is released because the public doesn't always understand what the information really means.

Rep. Curtis suggested having a voting history on every bill which would contain intermediate as well as final votes. Presently, voice votes are not included as a recorded vote.

Mr. Allred said one possible option would be to tie a vote to the bill text with a link to a table containing an explanation of the vote.

**MOTION:** Speaker Stephens moved to have Mr. Allred study the suggestions which were given and come back to the committee at its next meeting with a proposal of how to incorporate these changes into the voting records. The motion passed unanimously, with Sen. Valentine and Rep. Biskupski absent for the vote.

## **7. Pay Plan**

Ms. Taylor reported on the action that the Subcommittee on Oversight took on the pay plan.

**MOTION:** Speaker Stephens moved to accept the changes on the pay plan with a modification of reinserting the bracketed language on II. A. and deleting the new language. The motion passed unanimously, with Sen. Knudson, Sen. Valentine, and Rep. Biskupski absent for the vote.

**MOTION:** Speaker Stephens moved to accept the Subcommittee on Oversight's action on the salaries of the legislative staff directors. The motion passed unanimously. Sen. Valentine was absent for the vote.

**8. Assignment of:**

**a. Sunset Reviews and Repealers -** Ms. Taylor reviewed the handout concerning the entities scheduled for repeal under the Sunset Act. She made recommendations as to what committees she suggested they could be assigned to.

**MOTION:** Speaker Stephens moved that all of the entities be assigned to the interim committees as recommended by Ms. Taylor as listed on the handout. The motion passed unanimously, with Sen. Valentine, Rep. Becker, Rep. Curtis, and Rep. Garn absent for the vote.

**b. Items from the Appropriations Acts -** Ms. Taylor reviewed the handout on the reports to the Legislature required by the 2001 Appropriation Acts.

**MOTION:** Speaker Stephens moved that the reports be assigned as outlined on the handout.

**SUBSTITUTE MOTION:** Rep. Ure moved that the reports be assigned as outlined on the handout with the exception of Items 204 and 205. He moved that these two items also be assigned to the Energy, Natural Resources and Environment Interim Committee. The motion passed unanimously, with Sen. Valentine, Rep. Becker, Rep. Curtis, and Rep. Garn absent for the vote.

**c. Items from other Legislation -** Ms. Taylor highlighted the three other study or reporting requirements for the 2001 interim period as per the handout, with all but the taxation issue from the list of potential studies from H.B. 370 being assigned to Public Utilities Interim Committee.

**MOTION:** Speaker Stephens moved that the three items be assigned as outlined by staff. The motion passed unanimously, with Sen. Valentine, Rep. Becker, Rep. Curtis, and Rep. Garn absent for the vote.

**MOTION:** Speaker Stephens moved to have the Information Technology Commission study programming changes recently undertaken by KUER.

Rep. Ure indicated that KUER is supported with \$350,000-\$400,000 in state funds through the Higher Education budget. The program changes have moved from classical music to competing with other radio stations in news and public affairs broadcasting. Rep. Ure is asking the Information Technology Commission to look at the program changes and give them their direction and suggestions.

Sen. Davis expressed his reticence at dictating the programming of the station.

Speaker Stephen's motion passed unanimously, with Sen. Davis voting in opposition. Sen. Valentine, Rep. Becker, Rep. Biskupski, and Rep. Curtis were absent for the vote.

#### **9. Interim Committees' recommendations concerning study items**

Mr. Christensen reviewed letters from each of the committees listed on the agenda, and the following actions were taken.

**MOTION:** Speaker Stephens moved to add standardized reporting between local school districts to the Education Interim Committee. The motion passed unanimously, with Sen. Valentine, Rep. Becker, Rep. Biskupski, and Rep. Curtis absent for the vote.

**MOTION:** Speaker Stephens moved to approve study items 1-4 in the Government Operations list, but to delete study items #5 and #6 on legislative and general government issues. The motion passed unanimously, with Sen. Valentine, Rep. Becker, Rep. Biskupski, and Rep. Curtis absent for the vote.

**MOTION:** Speaker Stephens moved to approve all of the study items for the Health and Human Services Interim Committee, noting that #2 and #93 on use of tobacco settlement monies may need some coordination with Executive Appropriations Committee. He also moved to approve two subcommittees contingent on the majority of the committee approving their creation. The two subcommittees are requested by the chairs of the Health and Human Services Interim Committee. One committee will address tobacco issues related to teenage smoking and the other subcommittee will address physical fitness and obesity among school age children. The motion passed unanimously, with Sen. Valentine, Rep. Biskupski, and Rep. Curtis absent for the vote.

**MOTION:** Sen. Suazo moved to remove licensing of pawn shops from the Business and Labor Interim Committee and add predatory lending to the study of regulation of business activities. The motion passed unanimously, with Sen. Valentine, Rep. Biskupski, and Rep. Curtis absent for the vote.

**MOTION:** Speaker Stephens moved to remove study item #114 on juvenile records

expungement from the Law Enforcement and Criminal Justice Interim Committee and add it to the Judiciary Interim Committee's list. The motion passed unanimously, with Sen. Valentine, Rep. Biskupski, and Rep. Curtis absent for the vote.

Mr. Conrad Lloyd (interested citizen) stated that he would like to see #90, parental rights, removed from the Judiciary Interim Committee's list.

**MOTION:** Speaker Stephens moved to approve all of the study items on the Judiciary Interim Committee list with the exception of #90 and to add that item to the Health and Human Services Interim Committee list. The motion passed unanimously, with Sen. Poulton, Sen. Valentine, Rep. Biskupski, and Rep. Curtis absent for the vote.

**MOTION:** Sen. Davis moved to approve all studies as requested with the modifications adopted by the committee through motions already approved. The motion passed unanimously, with Sen. Poulton, Sen. Valentine, Rep. Biskupski, and Rep. Garn absent for the vote.

#### **10. Newsletters and Briefing Papers**

Mr. Christensen reviewed a handout concerning the monthly newsletters and briefing papers to be developed by his office. He distributed a sample of the interim newsletter for the committee members to review. He also provided a list of the briefing paper topics that could be studied this interim. He asked that the committee vote for the top three topics they would like his staff to produce in both the current state policy category and in the policy analysis and evaluation category. The committee voted individually, using the form and returned them to Mr. Christensen at the end of the meeting.

**MOTION:** Rep. Arent moved to approve the proposal of providing a monthly newsletter and briefing papers to the legislators. The motion passed unanimously, with Sen. Valentine, Sen. Poulton, and Rep. Biskupski absent for the vote.

#### **11. Other Business**

There was no other business conducted.

#### **12. Adjournment**

**MOTION:** Rep. Garn moved to adjourn the meeting at 5:12 p.m. The motion passed unanimously with Sen. Valentine, Sen. Poulton, and Rep. Biskupski absent for the vote.



